

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1016

By: Holt

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending Section 1,  
8 Chapter 87, O.S.L. 2015 and 26 O.S. 2011, Section 4-  
9 112, as amended by Section 6, Chapter 87, O.S.L. 2015  
10 (26 O.S. Supp. 2015, Sections 4-109.4 and 4-112),  
11 which relate to voter registration applications;  
12 modifying procedures for verification of application  
13 information; applying certain provisions of Open  
14 Records Act to information obtained pursuant to  
15 electronic voter registration application; modifying  
16 information required to be contained on voter  
17 registration application; clarifying designation of  
18 persons not indicating political affiliation;  
19 providing for acceptance and use of federal forms;  
20 requiring certain signature, autograph or mark;  
21 granting certain authority to Secretary of State  
22 Election Board; requiring certain information to be  
23 kept confidential; and declaring an emergency.

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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY Section 1, Chapter 87, O.S.L. 2015  
20 (26 O.S. Supp. 2015, Section 4-109.4), is amended to read as  
21 follows:

22 Section 4-109.4. A. A person may submit a voter registration  
23 application electronically as provided in this section if such  
24 person:

1       1. Has a current and valid Oklahoma driver license or  
2 identification card issued by the Department of Public Safety  
3 pursuant to the provisions of Section 6-101 et seq. of Title 47 of  
4 the Oklahoma Statutes;

5       2. Is registering to vote at the address shown on the driver  
6 license or identification card; and

7       3. Is a qualified elector and entitled to become a registered  
8 voter as provided by law.

9       B. The Secretary of the State Election Board, subject to  
10 available funding, shall establish a secure website to permit  
11 persons described in subsection A of this section to submit voter  
12 registration applications electronically. The website must permit  
13 such persons to submit an application to register to vote or to  
14 update an existing registration. The Secretary may employ security  
15 measures he or she deems necessary to ensure the accuracy and  
16 integrity of voter registration applications submitted  
17 electronically and may establish an initial date on which voter  
18 registration applications may be submitted electronically after  
19 establishment of the website.

20       C. 1. The applicant must attest to the truth of the  
21 information provided on the application by affirmatively accepting  
22 the information as true and correct. Any person who submits false  
23 information on an electronic voter registration application shall be  
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1 deemed guilty of a felony as described in Sections 16-103 and 16-  
2 103.1 of ~~Title 26 of the Oklahoma Statutes~~ this title.

3 2. The applicant must affirmatively consent to the use of his  
4 or her driver license or identification card record and signature  
5 for voter registration purposes.

6 3. A voter registration application properly submitted  
7 electronically shall be considered by the State Election Board in  
8 the same manner as a registration application submitted by mail.

9 D. 1. When an applicant submits a voter registration  
10 application electronically, the Secretary shall generate an  
11 electronic confirmation on the website that the application has been  
12 received, with instructions as to how the applicant may check the  
13 status of the application thereafter.

14 2. In addition, the Secretary shall ~~obtain a digital copy~~  
15 compare the information contained in the record of the applicant's  
16 driver license or identification card ~~from~~ of the Department of  
17 Public Safety ~~and shall compare with~~ the information submitted on  
18 the application ~~to the information shown on the digital copy and~~  
19 ensure that the information on the application substantially matches  
20 the information in the driver license or identification card record.

21 3. If the Secretary finds that the application is in compliance  
22 with this section and all applicable laws relating to voter  
23 registration, the digital signature contained in the driver license  
24 or identification card record of the applicant shall be obtained

1 from the Department of Public Safety and included on the application  
2 and the application shall be processed as provided by law.

3 Provided, the Secretary of the State Election Board may utilize an  
4 alternative method of obtaining the signature of the applicant, if  
5 necessary.

6 4. If the Secretary does not so find, the applicant shall be  
7 notified that the application has been rejected and the reasons for  
8 such rejection.

9 E. The provisions of Section 24A.5 of Title 51 of the Oklahoma  
10 Statutes relating to confidentiality of personal information within  
11 driver records as defined by the Driver's Privacy Protection Act, 18  
12 United States Code, Sections 2721 through 2725, shall be applicable  
13 to information obtained by the State Election Board from voter  
14 registration applications or digital copies of driver licenses or  
15 identification cards pursuant to the provisions of this section.

16 F. The Secretary shall have the authority to promulgate rules  
17 as may be necessary to implement the provisions of this section.

18 SECTION 2. AMENDATORY 26 O.S. 2011, Section 4-112, as  
19 amended by Section 6, Chapter 87, O.S.L. 2015 (26 O.S. Supp. 2015,  
20 Section 4-112), is amended to read as follows:

21 Section 4-112. A. The Secretary of the State Election Board  
22 shall devise and distribute a registration application form to be  
23 used for registering voters. Such registration application shall  
24 contain the following information:

1 1. The applicant's full name and date of birth, county and  
2 place of residence, and mailing address pursuant to the provisions  
3 of subsection G of this section;

4 2. ~~The names of political parties~~ A space or section to  
5 designate a political party recognized by the laws of the State of  
6 Oklahoma with which the applicant ~~may~~ chooses to be affiliated;

7 3. The Oklahoma driver license or identification card number if  
8 the applicant has been issued a current and valid driver license or  
9 identification card by the Department of Public Safety, or if the  
10 applicant does not have a valid Oklahoma driver license or  
11 identification card, the last four digits of the voter's social  
12 security number;

13 4. An oath of the eligibility of the applicant to become a  
14 registered voter; and

15 5. Such other information as may be deemed necessary by the  
16 Secretary to identify such applicant and to ascertain his or her  
17 eligibility.

18 B. A voter registration application shall be signed by the  
19 applicant in writing. The applicant shall personally subscribe his  
20 or her name to or make his or her mark on the application, and no  
21 agent, representative or employee of the applicant may sign or mark  
22 on the applicant's behalf. The signature or mark must be the  
23 original, handwritten signature, autograph or mark of the applicant.  
24 No facsimile, reproduction, typewritten or other substitute

1 signature, autograph or mark will be valid. Notwithstanding any law  
2 to the contrary, the Secretary of the State Election Board shall  
3 prescribe procedures to authorize any person incapable of personally  
4 making a mark to complete a voter registration application with  
5 assistance of an official of any voter registration agency or motor  
6 license agency specified in Sections 4-109.2 and 4-109.3 of this  
7 title. Provided, for applications submitted electronically, in lieu  
8 of the signature requirements set forth in this subsection, the  
9 applicant shall affirmatively consent to the use of his or her  
10 driver license or identification card signature as provided in  
11 Section 1 of this act.

12 C. Persons who do not indicate a recognized political party or  
13 political organization on their registration application shall be  
14 designated as ~~Independents~~ Independent (no party).

15 D. Any person may apply in writing to the Secretary of the  
16 State Election Board for permission to print, copy or otherwise  
17 prepare and distribute the registration applications designed by the  
18 Secretary of the State Election Board. The Secretary may revoke any  
19 such permission at any time.

20 E. All registration applications shall be distributed to the  
21 public at no charge.

22 F. The Secretary also shall prescribe procedures to accept and  
23 use ~~federal registration applications~~ the National Mail Voter  
24 Registration Form, or its successor, as required by the National

1 Voter Registration Act of 1993. Provided, the form shall include an  
2 original, handwritten signature, autograph or mark as described in  
3 subsection B of this section.

4 G. Applicants for voter registration or for change of voter  
5 registration in any way shall provide a residence address and, if  
6 different from the residence address, a mailing address. A  
7 residence address shall include the street address of the residence,  
8 including a full house number, street name or number, apartment or  
9 suite number, if applicable, and zip code. If a street address is  
10 not available for the residence, applicants shall provide such  
11 information as the Secretary of the State Election Board deems  
12 necessary for voter registration purposes. A post office box may  
13 not be given as a residence address. A mailing address, which shall  
14 include the city and zip code, may be the actual emergency  
15 notification or 911 address on file in the local community, a rural  
16 route and box number, a post office box number or a street address.

17 H. A full or partial Social Security number or driver license  
18 number in a voter registration record or a voter registration  
19 application shall be kept confidential by the State Election Board  
20 and each county election board, except by order of a court of record  
21 in this state.

22 SECTION 3. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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